

### **Remarks**

Claims 1-6, 8-16, 18-20, 25, and 26 are rejected in the Office Action. In this response, no claims have been amended, added, or canceled. Consequently, it is respectfully submitted that no new matter has been introduced. Accordingly, claims 1-6, 8-16, 18-20, and 25-26 remain pending and are believed to be in condition for allowance.

#### **Claim Rejections – 35 U.S.C. § 103(a)**

##### **Claims 1-6, 8-16, 18-20, and 25-26**

These claims are rejected under 35 USC § 103(a) as being unpatentable over Barker (US 6,141,682) (“Barker”) in view of Candelore (US 6,057,872) (“Candelore”). While the Examiner states the rejection is based on Candelore, the Examiner cites to Rothblatt (US 6,105,060) (“Rothblatt”) in place of Candelore throughout the rejection. The rejections are respectfully traversed.

Claim 1 currently recites:

A method comprising:

receiving, by a server system, a selection to buy an upgraded media feature for a programming transmission from a client system via a first communication media;

automatically coordinating purchase, by the server system, of the upgraded media feature for the programming transmission with one of a plurality of programming transmission sources via a second communication media, the first communication media different than the second communication media; and

automatically coordinating provision, by the server system, of the upgraded media feature for the programming transmission, the programming transmission and upgraded media feature to be provided from the one programming transmission source to the client system via a third communication media, the third communication media different than the first and second communication media.

Therefore, claim 1 now clearly recites the use of a server system to be in communication with a client system via a first communication media, and a plurality of broadcast transmission sources via a second communication media. In this manner, the bifurcated server system assumes both the burden of receiving selections from a client via one communication media and provisioning and coordinating purchase of the media with a plurality of transmission sources via another communication media. Additionally, the server system coordinates the provision of the

upgraded media feature and the program transmission so that the client system receives the transmission from one of the sources through a third communication media, wherein all of the communication media are different. Consequently, the instant invention may allow the receipt of programming transmissions and upgraded media from various transmission sources while communicating with a single server system.

Preliminarily, the Applicants respectfully assert that Barker is an improper prior art reference. Barker has a filing date of February 4, 1999 and an issue date of October 31, 2000. The instant application has a filing date of May 26, 2000, but is a division of Application 09/183,587 (now issued US 6,157,377) which has a filing date of October 30, 1998. As stated in the MPEP: "If the application is a continuation or division of one or more earlier U.S. applications ... the effective filing date is the same as the earliest filing date in the line of continuation or divisional applications." M.P.E.P. Section 706.02(VI)(A). Consequently, the instant Application has an effective filing date at least as early as October 30, 1998 which predates the Barker reference. Therefore, the Applicants respectfully request the Examiner withdraw their rejection for at least this reason.

With regard to the two remaining references Candelore and Rothblatt, it is respectfully asserted that neither teaches nor fairly suggests (either alone or in combination) the recitations of the claims. Furthermore, while the Examiner cites Candelore as a prior art reference under Section 103, he fails to provide any "notification of the reasons for rejection ... as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. § 132) ...." M.P.E.P. § 707. Rather, the Examiner relies on Rothblatt, therefore, the citation to Candelore appears to be an error.

In response, the Applicants note that Candelore merely teaches methods and apparatus that allow users of services such as pay television to obtain credits when viewing particular programs (e.g. digital coupons). The communication channel may include a cable plant and/or satellite link. Candelore, however, fails to teach or fairly suggest, among other things, the use of a bifurcated server system that assumes both the burden of receiving selections from a client via one communication media and provisioning and coordinating purchase of the media with a plurality of transmission sources via another communication media. Furthermore, the Applicants

contend that Candelore fails to comprehend the use of “upgraded media features” as required by the claims. For at least these reasons, the claims are patentable over Candelore.

With regard to Rothblatt, the Applicants note that the reference is similarly deficient. In the rejection, the Examiner relied on Barker (previously disqualified as prior art) to teach a majority of the features, and Rothblatt to teach “that the upgraded media features are purchased by the client.” *Office Action*, p.4. The Applicants respectfully contend that there is no teaching or suggestion within Rothblatt of a bifurcated server system that assumes both the burden of receiving selections from a client via one communication media and provisioning and coordinating purchase of the media with a plurality of transmission sources via another communication media. Furthermore, the Applicants contend that Rothblatt is entirely silent on the use of “upgraded media features” as recited in the claims. For at least these reasons, the claims are allowable over the cited art, either alone or in combination.

### **Conclusion**

Claims 1-16, 18-20, and 25-26 remain pending, no claims have been added or canceled. As set forth above, Applicants submit that these claims are allowable and thus respectfully request allowance of the same. If the examiner has any questions regarding the substance of this office action response, he is invited to contact the undersigned at 503-796-2408.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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